Amendments to the Drawings:

The attached sheets of drawings include new Figure 1A and revised Figure 1B. The sheet which includes Figure 1B replaces the original sheet including Figure 1.

Attachment: Replacement Sheets

REMARKS

This is a Response to the Office Action mailed August 23, 2007, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire November 23, 2007. Attached is a Petition for an Extension of Time and the requisite fee for a two-month extension of time, to January 23, 2008. Seventeen (17) claims, including four (4) independent claims, were paid for in the application. Claims 5-8 have been previously canceled without prejudice. Various claims are currently amended. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1-4 and 9-21 are pending.

A Request for Continued Examination (RCE) is filed concurrently with this Amendment so that the Office Action mailed August 23, 2007 is effectively made non-final. Under 37 CFR 1.114, the effect of the RCE, which makes the instant Office Action non-final, is to cause examination of the instant application to remain open. Accordingly, amendments submitted herein are to be entered as a matter of right, and each claim is entitled to continued examination, particularly with respect to the responses provided herein.

Drawings

The drawings were objected to because the features of claim 1 were not specified in the drawings. Figure 1A has been added to specifically illustrate the method steps recited in claim 1. The addition of Figure 1A to the drawings necessitated labeling the subsequent drawing as "Figure 1B" instead of "Figure 1." Thus, two replacement sheets of formal drawings is presented herewith for approval.

It is respectfully submitted that the specification has been amended to merely make reference to new Figure 1A and Figure 1B, and that no new matter has been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 11 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

The Office Action contends that claim 11, which depends from claim 10, recites a feature that falls within the broad range of the feature recited in claim 10. Applicants have amended claim 11 to depend from claim 1 to address the indefiniteness rejection.

Claim 19 includes a typographical error in which the last five lines of the claim were mistakenly included in the claim. Applicant has amended claim 19 to remove these five lines from the claim. Applicants apologize for the inconvenience caused by the typographical error.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 9-12, 14, 16, 18 and 20-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miyamoto U.S. Patent No. 6,236,635 (hereinafter "Miyamoto").

Amended claim 1 recites, *inter alia*, "A method of recording information to an optical recording medium...wherein the method of recording information to an optical recording medium comprises...setting bottom powers of downward pulses to be substantially same." (Emphasis added.)

Miyamoto does not teach or suggest the invention of claim 1. In particular, Miyamoto does not teach or suggest setting bottom powers of downward pulses to the same level. Instead, Miyamoto illustrates that the sixth, eighth and tenth power levels P6, P8, P10, respectively, (i.e., bottom power levels of downward pulses) such that P6>P10>P8. *See e.g.*, Figure 12 of Miyamoto. Miyamoto discloses in col. 13, line 38 that it is preferred that P10>=P1>=P8. Although Miyamoto also discloses a case where it is preferred to have P8 and P10 to be set equal (*See e.g.*, col. 13, lines 39-40), there is no teaching or suggestion that it would be beneficial for P6 to be additionally set equal to P8 and P10 (i.e., P6=P8=P10).

Furthermore, Miyamoto illustrates a pulse train for recording an 11T mark length (Figure 7) and having bottom power levels equivalent to that illustrated in Figure 12. Miyamoto

teaches at col. 9, lines 29-38, that if the tenth power level P10 is set higher than the eighth power level P8, jitter can be suppressed. Such teaching clearly suggests that it is preferable to set the bottom power levels of the 11T pulse train of Figure 7 such that P10>P8. Since the bottom power levels illustrated in Figure 7 are equivalent to the bottom power levels of Figure 12, it is suggested that Miyamoto inherently teaches that it is preferable to set the bottom power levels of Figure 12 such that P10>P8.

On the other hand, if one were to *hypothetically* argue that Miyamoto does not necessarily teach setting the bottom power levels such that P6>P10>P8, one would have to reconcile the reason Miyamoto illustrates in Figure 12 bottom pulse train power levels that are relatively complex rather than simply illustrating bottom pulses having equivalent power levels.

Thus, at least for the forgoing reasons Miyamoto does not teach or suggest "setting bottom powers of downward pulses to be substantially same," as recited in amended claim 1. Consequently, claim 1 is patentable over Miyamoto as are claims 3 and 9-11, which depend therefrom.

Amended claim 12 recites, *inter alia*, "An optical recording medium...wherein the optical recording medium includes information required to...set bottom powers of downward pulses to be substantially same." (Emphasis added.)

Amended claim 16 recites, *inter alia*, "An information recording and reproducing apparatus that records information...wherein the information recording and reproducing apparatus comprises...a laser drive signal to set bottom powers of downward pulses to be substantially same." (Emphasis added.)

Amended claim 20 recites, *inter alia*, "A method, comprising...setting at least one bottom power of downward pulses positioned between the top pulse and the at least one intermediate pulse and between the at least one intermediate pulse and the last pulse to be lower than the first power level and the second power level and to be same as each other." (Emphasis added.)

Although the language of amended claims 12, 16 and 20 are not identical to that of claim 1, the allowability of claims 12, 16 and 20 is apparent in light of the above discussion.

Thus, claims 12, 16 and 20 are patentable over Miyamoto as are claims 14, 18 and 21, which depend therefrom.

Rejections Under 35 U.S.C. § 103

Claims 2, 4, 13, 15, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto as applied to claims 1, 3, 12 ,14, 16 and 18.

As discussed above, claims 1, 12 and 16 are patentable over Miyamoto. Consequently, claims 2, 4, 13, 15, 17 and 19, which depend from allowable claims 1, 12 and 16 and are also allowable.

Other Amendments

Various other amendments made to the claims merely provide proper antecedent basis, to more precisely recite the subject matter contained therein, and/or otherwise place such claims in better form.

Conclusion

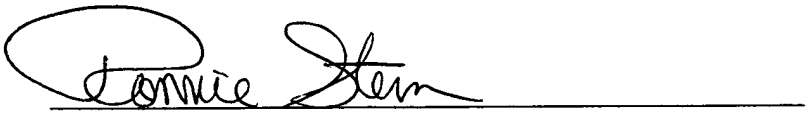
Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 1, 12, 16 and 20, and thus such claims are allowable. Because the remaining claims depend from the allowable independent claims, and also because they include additional limitations, such claims are likewise allowable. If the undersigned agent has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. Examiner Patel is encouraged to contact Mr. Stern by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any

informalities in the claims, he is encouraged to contact Mr. Stern by telephone to expediently correct such informalities.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



Ronald Stern
Registration No. 59,705

RS:vsj

Enclosure:
2 Sheet(s) of Drawings (Figures 1A-1B)

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1098606_1